MONTANA LEGISLATIVE HISTORY

Chapter 92 1995

Bill H _____ S 47 Original bill & history X C

H. Committee on AGRICULTURE			S. Committee on AGRICULTURE		
Hearing Date(s)	1/24	X C	Hearing Date(s)	1/6	X C
EXEC ACTION	2/7	X C	EXEC ACTION	1/11	X C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SENATE BILL NO. 44

INTRODUCED BY BECK

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING PENALTIES FOR ALLOWING MALE EQUINES AND CERTAIN CATTLE TO RUN AT LARGE, FOR TAKING OR RESCUING A TRESPASSING ANIMAL FROM THE POSSESSION OF A PERSON WHO LAWFULLY RETAINS THE ANIMAL, FOR UNLAWFUL POSSESSION OF AN ESTRAY, AND FOR WILLFULLY OR NEGLIGENTLY MOVING LIVESTOCK FROM THEIR OWNER'S CUSTOMARY RANGE; AND AMENDING SECTIONS 81-4-209, 81-4-213, 81-4-217, 81-4-621, AND 81-5-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-4-209, MCA, is amended to read:

"**81-4-209. Penalty for violations.** ~~Any~~ An owner, person, firm, corporation, or association violating any provisions of 81-4-203 through 81-4-209 shall be guilty of a misdemeanor ~~and upon conviction thereof shall be fined not less than $10 or more than $25~~ punishable as provided in 46-18-212."

Section 2. Section 81-4-213, MCA, is amended to read:

"**81-4-213. Penalty.** Any person or persons, firm, company, or corporation violating any of the provisions of 81-4-210 through 81-4-213 shall be guilty of a misdemeanor ~~and~~ punishable ~~by a fine of not less than $25 or more than $250~~ as provided in 46-18-212."

Section 3. Section 81-4-217, MCA, is amended to read:

"**81-4-217. Retention of trespassing stock.** (1) If an animal breaks into an enclosure surrounded by a legal fence or is wrongfully on the premises of another, the owner or occupant of the enclosure or premises may take into ~~his~~ possession the trespassing animal and keep the animal until all damages, together with reasonable charges for keeping and feeding the animal, are paid. The person who takes the animal into ~~his~~ possession shall, within 24 hours after ~~he takes~~ taking possession, give written notice to the owner or person in charge of the animal, stating that ~~he has taken~~ the animal has been taken. The

notice ~~shall~~ must also give the date of the taking, the description of the animal taken, including marks and brands, if any, the amount of damages claimed, the charge per head per day for caring for and feeding the animal, and the description, either by legal subdivisions or other general description, of the location of the premises on which the animal is held.

(2) The notice ~~shall~~ must be given to the owner or person in charge only when the owner or person in charge of the animal is known to the person taking the animal and resides within 25 miles of the premises on which the animal was taken. If the owner or person in charge of the animal resides more than 25 miles from the place of the taking, the notice ~~shall~~ must be mailed to ~~him~~ the owner. In this case or if the owner is unknown, a similar notice ~~shall~~ must be mailed to the department of livestock and the sheriff of the county in which the animal has been taken. On receipt of the notice, the sheriff shall post a copy of the notice at the courthouse and shall send by certified mail a copy of it to the owner of the stock, if known to ~~him~~ the sheriff. If unknown ~~to him~~, the sheriff shall send a copy of the notice to the nearest state livestock inspector.

(3) If the parties within 5 days ~~thereafter~~ after receipt of the notice do not agree to the amount of damages, the claimant ~~must~~ shall within 10 days ~~thereafter~~ institute a civil action to collect ~~his~~ the claim in a court of competent jurisdiction. Pending the outcome of the suit, the person taking the stock may, at the expense of the owner, retain a sufficient number of animals to cover the amount of damages claimed by ~~him~~ the person taking the stock. The ~~defendant~~ owner or person in charge of the animal may, after the institution of the action, on filing a bond executed by two or more sureties and approved by the court in double the sum sued for, conditioned upon the payment to the ~~plaintiff~~ claimant of all sums, including costs that may be recovered by the ~~plaintiff~~ claimant, have all livestock returned ~~to him~~. The claimant is liable to the owner for any loss or injury to the stock occurring through ~~his~~ the claimant's fault or neglect. If the claimant fails to recover in the action a sum equal to that offered ~~him~~ by the owner of the stock, the claimant bears the expense of keeping and feeding the stock while in ~~his~~ the claimant's possession.

(4) A person who takes or rescues an animal from the possession of the person taking the animal, without ~~his~~ the consent of the person taking the animal, is guilty of a misdemeanor ~~and shall be fined not less than $100 or more than $500~~ punishable as provided in 46-18-212."

Section 4. Section 81-4-621, MCA, is amended to read:

"81-4-621. ~~Penalties.~~ ~~Any~~ A person who ~~shall~~, for ~~his~~ that person's own use or benefit and

without the owner's consent, ~~take~~ takes into ~~his~~ possession any estray shall be guilty of a misdemeanor ~~and shall be~~ punishable ~~by a fine of not less than $25 or more than $100 or by imprisonment in the county jail not exceeding 60 days or by both such fine and imprisonment~~ as provided in 46-18-212."

Section 5. Section 81-5-101, MCA, is amended to read:

"81-5-101. Moving livestock from customary range forbidden. ~~Every~~ A person who willfully or negligently moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, bison, or sheep from their owner's customary range without the permission of the owner ~~is punishable~~ shall upon conviction be punished by imprisonment in the county jail not exceeding 90 days or by a fine not exceeding ~~$100~~ $500, or both."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0044, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
An act increasing penalties for allowing male equines and certain cattle to run at large, for taking or rescuing a trespassing animal from the possession of a person who lawfully retains the animal, for unlawful possession of an estray, and for willfully or negligently moving livestock from their owner's customary range.

ASSUMPTIONS:
1. Incidents applicable to this legislation and penalties collected would be minimal.

FISCAL IMPACT: There would be no fiscal impact to the Department of Livestock.

Dave Lewis 1-6-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Thomas A. Beck 1-6-95
THOMAS A. BECK, PRIMARY SPONSOR DATE

1/03 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
1/10 FISCAL NOTE RECEIVED
1/12 FISCAL NOTE PRINTED
2/22 MISSED TRANSMITTAL DEADLINE
DIED IN COMMITTEE

SB 43 INTRODUCED BY BECK

AUTHORIZE DEPARTMENT OF TRANSPORTATION TO RESERVE A CONSERVATION EASEMENT IN LAND OR AN INTEREST IN LAND SOLD BY STATE

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

12/29 INTRODUCED
1/03 FIRST READING
1/03 REFERRED TO HIGHWAYS & TRANSPORTATION
1/10 HEARING
1/24 TABLED IN COMMITTEE
2/23 MISSED TRANSMITTAL DEADLINE FOR 45TH DAY
DIED IN COMMITTEE

SB 44 INTRODUCED BY BECK

INCREASE PENALTIES FOR ALLOWING MALE EQUINES AND CERTAIN CATTLE TO RUN AT LARGE, FOR TAKING OR RESCUING A TRESPASSING ANIMAL FROM POSSESSION OF PERSON WHO LAWFULLY RETAINS THE ANIMAL, FOR UNLAWFUL POSSESSION OF AN ESTRAY, AND FOR WILLFULLY OR NEGLIGENTLY MOVING LIVESTOCK FROM THEIR OWNER'S CUSTOMARY RANGE

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

12/29 INTRODUCED
12/30 FISCAL NOTE REQUESTED
1/03 FIRST READING
1/03 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
1/06 HEARING
1/06 FISCAL NOTE RECEIVED
1/06 FISCAL NOTE PRINTED
1/06 COMMITTEE REPORT—BILL PASSED
1/10 REREFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
1/11 HEARING
1/11 COMMITTEE REPORT—BILL PASSED AS AMENDED
1/12 2ND READING PASSED 46 3
1/13 3RD READING PASSED 41 5

TRANSMITTED TO HOUSE
1/14 FIRST READING
1/14 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
1/24 HEARING
2/09 COMMITTEE REPORT—BILL CONCURRED AS AMENDED
2/28 2ND READING CONCURRED 94 4
3/01 3RD READING CONCURRED 93 7

RETURNED TO SENATE WITH AMENDMENTS
3/03 2ND READING AMENDMENTS CONCURRED 40 4
3/04 3RD READING AMENDMENTS CONCURRED 41 1
3/06 SIGNED BY PRESIDENT
3/06 SIGNED BY SPEAKER
3/08 TRANSMITTED TO GOVERNOR
3/09 SIGNED BY GOVERNOR
CHAPTER NUMBER 92
EFFECTIVE DATE: 10/01/95

SB 45 INTRODUCED BY BECK

CLARIFY TAX RATE THAT APPLIES TO OIL PRODUCTION FRO HORIZONTALLY COMPLETED WELLS

BY REQUEST OF THE DEPARTMENT OF REVENUE

12/29 INTRODUCED
12/30 FISCAL NOTE REQUESTED
1/03 FIRST READING
1/03 REFERRED TO TAXATION
1/05 FISCAL NOTE RECEIVED
1/05 FISCAL NOTE PRINTED
1/10 HEARING
1/10 COMMITTEE REPORT—BILL PASSED
1/11 2ND READING PASSED 49
1/12 3RD READING PASSED 48

TRANSMITTED TO HOUSE
1/13 FIRST READING
1/13 REFERRED TO TAXATION
1/20 HEARING
1/27 COMMITTEE REPORT—BILL CONCURRED AS AMENDED
1/28 2ND READING CONCURRED 88
1/30 3RD READING CONCURRED 92

RETURNED TO SENATE WITH AMENDMENTS
1/31 2ND READING AMENDMENTS CONCURRED 49
2/01 3RD READING AMENDMENTS CONCURRED 50
2/03 SIGNED BY PRESIDENT
2/04 SIGNED BY SPEAKER
2/06 TRANSMITTED TO GOVERNOR
2/07 SIGNED BY GOVERNOR
CHAPTER NUMBER 33
EFFECTIVE DATE: 02/07/95

SB 46 INTRODUCED BY SWYSGOOD

ALLOCATE PORTION OF METALLIFEROUS MINES LICENSE TAX TO E DEPOSITED IN GROUND WATER ASSESSMENT ACCOUNT

1/04 INTRODUCED
1/04 FIRST READING
1/04 REFERRED TO NATURAL RESOURCES
1/04 FISCAL NOTE REQUESTED
1/09 HEARING
1/09 FISCAL NOTE RECEIVED
1/09 FISCAL NOTE PRINTED
1/17 COMMITTEE REPORT—BILL PASSED AS AMENDED
1/18 2ND READING PASSED 48
1/19 3RD READING PASSED 48

TRANSMITTED TO HOUSE
1/20 FIRST READING
1/20 REFERRED TO NATURAL RESOURCES
1/27 HEARING
1/30 COMMITTEE REPORT—BILL CONCURRED
1/31 2ND READING CONCURRED 91
2/01 3RD READING CONCURRED 89

RETURNED TO SENATE
2/02 SIGNED BY PRESIDENT
2/02 SIGNED BY SPEAKER
2/03 TRANSMITTED TO GOVERNOR
2/06 SIGNED BY GOVERNOR
CHAPTER NUMBER 31

SENATE AGRICULTURE, LIVESTOCK & IRRIGATION

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0395	RANEY, BOB 3/23	3/27	INTEGRATED NOXIOUS WEED CONTROL PROGRAM; REVISE COOPERATIVE AGREEMENTS	CONCUR 3/27 VOTE:		3/28
HB0411	ORR, SCOTT 2/21	3/06	CLARIFY THE CLEAN WATER ACT 401 NATIONWIDE PERMIT REQUIREMENTS	CONCUR 3/06 VOTE:		3/08
HB0445	GRADY, ED 2/21	3/06	NOXIOUS WEED SEED FREE FORAGE PROGRAM AND ADVISORY COUNCIL	CONCUR AS AMENDED 3/06 VOTE:		3/08
HB0513	DEBRUYCKER, ROGER 3/23	3/27	EXCEPT LIVESTOCK FEEDERS FROM DEFINITION OF AG COMMODITY DEALER; PENALTY	CONCUR 3/27 VOTE:		3/28
HB0520	FUCHS, DANIEL 2/21	3/06	INCLUDE OSTRICHES, RHEAS, AND EMUS IN LIVESTOCK LAWS	CONCUR 3/06 VOTE:		3/08
HB0564	TREXLER, CLIFF 2/21	3/03	MAKE GRAZING TRANSPORTATION PERMITS VALID FOR 8 MONTHS FROM ISSUANCE	CONCUR AS AMENDED 3/03 VOTE:		3/07
SB0011	KLAMPE, TERRY 1/13	1/25	GEN REVISE VETERINARY MEDICINE LAW; EXEMPT CERTAIN PERSONS FROM LICENSURE	TABLED ON 01/25 VOTE:		
SB0042	SWYSGOOD, CHUCK 1/03		REVISE BRAND LIEN SECURITY AGREEMENT PROCESS & REVISE BRAND INFO REQUIRMNT	VOTE:		
SB0044	BECK, TOM 1/03	1/06	INCREASE CERTAIN LIVESTOCK PENALTIES	DO PASS 1/06 VOTE:	AGRICULTURE	1/06
SB0044	BECK, TOM 1/10	1/11	INCREASE CERTAIN LIVESTOCK PENALTIES	PASS AS AMENDED 1/11 VOTE:		1/11
SB0092	BURNETT, JIM 1/11	1/16	EXEMPT ARTIFICIAL INSEMINATION FROM PRACTICE OF VETERINARY MEDICINE	TABLED ON 01/25 VOTE:		
SB0106	JENKINS, LOREN 1/12	1/16	ESTABLISH FERTILIZER LIEN PROCESS	PASS AS AMENDED 1/20 VOTE:		1/21

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN CHUCK SWYSGOOD**, on January 6, 1995, at 1:05 p.m.

ROLL CALL

Members Present:
Sen. Charles "Chuck" Swysgood, Chairman (R)
Sen. Gerry Devlin, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. Don Hargrove (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Bob Pipinich (D)

Members Excused: none

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council
Jennifer Gaasch, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 44
Executive Action: SB 44

{Tape: 1 ; Side: A; Approx. Counter: ; Comments: .}

HEARING ON SB 44

Opening Statement by Sponsor:

SENATOR TOM BECK, SD 28, from **Deer Lodge,** presented SB 44. **SEN. BECK** stated the reason for the reintroduction of the bill was that he believes that there are some abuses occurring of this nature. He would like the Department of Livestock to explain in further detail why the bill has been introduced.

Proponents' Testimony:

Cork Mortensen, Executive Secretary to the Board of Livestock,read his written testimony **(Exhibit 1)**. He noted that various county attorneys have reminded the Department of Livestock that the statutes and the penalties are old and need updating. He noted that **Mark Bridges,** Department of Livestock, is in charge of the district inspectors who enforce these statutes and the members of the committee can direct their questions and concerns to him.

Candace Torgeson, representing the Montana Cattlewomen's Association and the Montana Stockgrower's Association (MSGA), stated that they will support this bill.

Nancy Espy, stated that it has been very disappointing to see the county attorney unable to prosecute or get a conviction, therefore supporting the bill. She also stated that the accidental taking of a neighbor's livestock is not considered in this bill. This is for the repeat offenders.

Lorena Frank, Montana Farm Bureau, stated that they also support SB 44.

Opponents' Testimony:None

Questions From Committee Members and Responses:

SENATOR LINDA NELSON asked **Cork Mortensen** what 46-18-212 is in SB 44. **Cork Mortensen** said that it is the standardized misdemeanor statute which states that there is a fine of 6 months and $500 or both.

SENATOR BOB PIPINICH asked **SEN. BECK** when moving cattle and a person accidentally ends up with neighbors cattle the neighbor can prosecute and possibly fine the person for taking the cattle and not reporting it. **SEN. BECK** stated that the Department of Livestock is not trying to prosecute people for accidentally having a neighbor's cattle. The problem is when moving cattle from county to county and the rancher is constantly taking his neighbor's cattle and every year a brand inspector is needed to sort through the cattle. The county attorney's office would like to be able to prosecute this type of person.

SENATOR DON HARGROVE asked **SEN. BECK** if the bill is stating that the person is actually taking the animal intentionally. **SEN. BECK** replied that this is true and it was not to prosecute that individual unintentionally taking an animal not belonging to them.

SENATOR REINY JABS asked **SEN. BECK** how the word "negligent" makes it easier to prosecute the individual. **SEN. BECK** replied that it is the judgement of the county attorney and this bill is giving them the right to act on such a situation.

SENATOR GERRY DEVLIN asked **Mark Bridges**, from the Department of Livestock if this bill has changed since two years ago. **Mark Bridges** replied that the only change was the addition of the word negligent, other than the upper sections state 46-18-212, which is the standard misdemeanor charges, and in the lower sections the standard misdemeanor charges were stated.

SENATOR GREG JERGESON asked about the penalties of the trespassing of the animals onto neighbor's property. If the individual has not maintained his fence and the animals trespass on that land, can the neighbor prosecute the other for the trespassing of the animals? **Mark Bridges** stated that a bill was passed (Boundaries, monuments and fences) that states who is responsible for maintaining what fence. Trespassing livestock is not a criminal act, the removal of impounding livestock is where the penalty section for 81-4-217 comes in.

SEN. JERGESON asked **SEN. BECK** asked if it was permissible for a female equine to trespass rather than male equine as stated in the title? **SEN. BECK** stated that male equine are possibly more aggressive than females. **Mark Bridges** stated that the history has been that male animals and stud horses have been aggressive and that is the reason for such a title.

SEN. DEVLIN asked **Mark Bridges** if this is passed how much will it be enforced? **Mark Bridges** replied that it could be used six to twelve times per year. **Mark Bridges** submitted the definitions of willfully, and negligently. **(Exhibit #4)**

CHAIRMAN SWYSGOOD gave a scenario and asked that **Mark Bridges** apply the last section of the bill. A grazing association has cattle and in the process of moving the cattle one of the member's gets another one of the members' cattle in his herd. They are taken to market and the animal is discovered by the branding inspector. Who's responsibility is it to get the animal back to the owner and what happens if it does not? **Mark Bridges** replied that the animal is either sold and the proceeds are held or the shipper and the brand owner are notified to determine if the animal is a stray or not. Classified as a stray then the owner is contacted and determine what the coarse of action will be. If the animal is sold there is a shipper's form the shipper can voluntarily fill out and then notify the owner. If the animal is not sold it is the shipper's responsibility to return the animal to the owner. If the shipper will not deliver the animal the Department of Livestock will step in and the owner has the opportunity to file a complaint against the shipper, there is a complaint form, an investigation, and then reviewed by the county attorney.

Closing Statement by Sponsor:

SEN. BECK commented on the scenario of **CHAIRMAN SWYSGOOD** that there should be an inspection when the animals are going such a distance of one hundred miles or out of the county. He stated that under the circumstances that the **Department of Livestock** has asked for the bill again that there is a need for it and if there was any abuse of the bill he would be the first to correct the situation.

Discussion:

CHAIRMAN SWYSGOOD asked the committee if they wanted to take executive action since there was no fiscal note or take action using a copy of the original fiscal note that was submitted by **SEN. BECK** ?

Motion:

SEN. BECK moved that SB 44 DO PASS.

Discussion:

SEN. PIPINICH stated that he agrees that there is a problem, but feels that this bill is not the answer.

SEN. HARGROVE stated that he understood the concerns and the separation of the definitions given by the **Department of Livestock** on willfully and negligently creates a concern and he supports the bill.

Vote :

SB 44 passed with **SEN. PIPINICH** voting no.

MONTANA SENATE
1995 LEGISLATURE
AGRICULTURE COMMITTEE

ROLL CALL DATE 1-6-95

NAME	PRESENT	ABSENT	EXCUSED
GERRY DEVLIN, VICE CHAIRMAN	X		
TOM BECK	X		
DON HARGROVE	X		
RIC HOLDEN	X		
REINY JABS	X		
GREG JERGESON	X		
LINDA NELSON	X		
BOB PIPINICH	X		
CHUCK SWYSGOOD, CHAIRMAN	X		

SEN:1995
wp.rollcall.man
CS-09

SENATE STANDING COMMITTEE REPORT

January 6, 1995

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration SB44 (first reading copy -- white), respectfully report that SB44 do pass.

Signed: Chuck Swysgood
Senator Chuck Swysgood, Chair

87 Amd. Coord.
SA Sec. of Senate

S 412

15

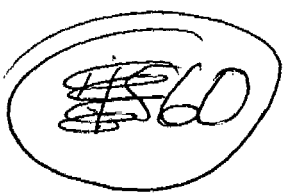
STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0044, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
An act increasing penalties for allowing male equines and certain cattle to run at large, for taking or rescuing a trespassing animal from the possession of a person who lawfully retains the animal, for unlawful possession of an estray, and for willfully or negligently moving livestock from their owner's customary range.

ASSUMPTIONS:
1. Incidents applicable to this legislation and penalties collected would be minimal.

FISCAL IMPACT: There would be no fiscal impact to the Department of Livestock.



Dave Lewis 1-6-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Thomas A. Beck 1-6-
THOMAS A. BECK, PRIMARY SPONSOR DATE

Fiscal Note for SB0044, as introduced

SB 44

SENATE AGRICULTURE
EXHIBIT NO. 1
DATE 1-6-95
BILL NO. SB 44

SENATE AGRICULTURE
EXHIBIT NO. 1
DATE 1-6-95
BILL NO. SB 44

SENATE BILL 44

Mr. Chairman and members of the committee, for the record my name is Cork Mortensen and I am the Executive Secretary to the Board of Livestock. The Board and Department of Livestock support this legislation and urge you to support Senate Bill 44 for the following reasons:

This bill simplifies various penalty provisions by standardizing misdemeanor penalties. It will then be easier for judges to apply the sanctions imposed in a more or less uniform manner.

This bill also changes section 81-5-101 by insertion of the term "negligently". That will allow the judicial system to more easily prosecute individuals if circumstances warrant. You should also be aware that this change is being done at the behest of various county attorneys.

Thank you for your time and consideration in this matter. Once again, the Board and Department of Livestock urge you to support this legislation. If you have any questions or need more information, I should be happy to respond.

Thank you,

Cork

E.E. "Cork" Mortensen, Executive Secretary
To the Board of Livestock

SENATE AGRICULTURE
EXHIBIT NO. 2
DATE 1-6-95
BILL NO. SB 44

SENATE AGRICULTURE
EXHIBIT NO. 2
DATE 1-6-95
BILL NO. SB 44

81-5-101 MOVING LIVESTOCK FROM CUSTOMARY RANGE

Willfully; is "an act or omission if done voluntarily and intentionally and with the specific intent to do something the law forbids".

Negligently; is "the failure to use such care as a reasonably prudent and careful person would use under similar circumstances"

This Legislative change was derived from the request of County Attorney's that have attempted to prosecute cases for the victims, regarding their livestock being removed from their Customary Range.

The difficulty in prosecution was the term willfully; intentionally removed would be proving theft, a felony, which in numerous cases was not the defendant's motive.

By inserting or negligently this would give the prosecutors more latitude in the pursuit of Justice and would not weaken the strength of this statute.

from Mark Bridges, Department of Livestock

DATE 1-6-95

SENATE COMMITTEE ON Agriculture, Livestock, and Irrigation

BILLS BEING HEARD TODAY: SB 44

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Tom Martinsen	Mt. Board of Livestock	44	X	
Larry Brown	Ag. Prods. Assoc.	44		
Marc Broodess	Dept. of Livestock	44		
Maureen Cleary-Schwinden	W.I.F.E.	44		
Nancy Espy	Board of Livestock	44	X	
Candace Torgerson	MSGA & Mont. Cattlemen	44	X	
Max Madder	Self (Madder Ranch)	44		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN CHUCK SWYSGOOD**, on January 11, 1995, at 1:00 p.m.

ROLL CALL

Members Present:
Sen. Charles "Chuck" Swysgood, Chairman (R)
Sen. Gerry Devlin, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. Don Hargrove (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Bob Pipinich (D)

Members Excused: none

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council
Jennifer Gaasch, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: none
Executive Action: SB 44

EXECUTIVE ACTION ON SB 44

Discussion: **SENATOR TOM BECK** passed out copies of the amendment and stated that the amendment proposed by **SENATOR LOREN JENKINS** will make the penalties in the entire bill consistent. The fines in the amendment were graduated.

Motion: **SENATOR BOB PIPINICH** moved to PASS the amendment.

Discussion: **SENATOR LINDA NELSON** asked **SEN. JENKINS** if the amendments were giving protection to the situation if a 4-H animal is mixed up with another person's animal the person is protected. **SEN. JENKINS** replied that this was correct and another problem that was being addressed was also neighboring land and the fine is then lowered for a first offense.

SENATOR REINY JABS asked if the amendment read a term of imprisonment for 6 months and a fine. **CHAIRMAN SWYSGOOD** stated that because of the way the amendment reads it states that it is a term of imprisonment, a fine or both. **Doug Sternberg** cleared up the way it was stated in the amendment.

SEN. BECK asked **Doug Sternberg** if there were codes determining what a first offense would be or if it was a lifetime record. **Doug Sternberg** replied that it would be a lifetime record of the offenses. Each offense regardless of when it occurs does constitute a conviction.

SENATOR DON HARGROVE asked **Doug Sternberg** to read the definition of negligent for clarification. He read the definition.

SENATOR GERRY DEVLIN gave a scenario of moving a person's own cattle to another pasture and in the process picked up three cattle each having different owners, would this be three different offenses? **Doug Sternberg** replied that each offense would require a conviction. Three different cattle picked up at one time would be considered one offense.

SENATOR RIC HOLDEN asked **Doug Sternberg** if a legal council would see it as a single occurrence. **Doug Sternberg** replied that this was generally correct.

SEN. BECK asked **Doug Sternberg** if the fine was $250 or was it less. **Doug Sternberg** replied that $250 was the maximum and a fine could be set that was less that amount.

Vote:

The amendment was passed unanimously.

Motion:

SEN. BECK moved to DO PASS SB 44 AS AMENDED.

Discussion:

SEN. JABS stated that the amendment by **SEN. GROSFIELD** concerning the trustees and managers was not a bad amendment. Having the amendment would make the managers or trustees responsible.

SEN. PIPINICH stated that **SEN. GROSFIELD** had another bill that the amendment would apply to to take care of that problem.

SEN. BECK stated that the amendment was addressing the buffalo.

CHAIRMAN SWYSGOOD stated that on Section 5 of SB 44 where it specifically underlines the owners in his view that it would be the owners brand that would be on the animal whether the owner was absent or not and the bill should cover those individuals also.

Vote: SB 44 PASSED with **SEN. PIPINICH** voting no.

MONTANA SENATE
1995 LEGISLATURE
AGRICULTURE COMMITTEE

ROLL CALL DATE 1-11-95

NAME	PRESENT	ABSENT	EXCUSED
GERRY DEVLIN, VICE CHAIRMAN	X		
TOM BECK	X		
DON HARGROVE	X		
RIC HOLDEN	X		
REINY JABS	X		
GREG JERGESON	X		
LINDA NELSON	X		
BOB PIPINICH	X		
CHUCK SWYSGOOD, CHAIRMAN	X		

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SENATE STANDING COMMITTEE REPORT

January 11, 1995

MR. PRESIDENT:
We, your committee on Agriculture, Livestock, and Irrigation having had under consideration SB44 (second reading copy -- yellow), respectfully report that SB44 be amended as follows and as so amended do pass.

Signed: _____
Senator Chuck Swysgood, Chair

That such amendments read:

1. Page 3, lines 6 and 7.
Following: "**forbidden.**" on line 6
Insert: "(1)"
Following: "willfully"
Strike: remainder of line 6 through "negligently" on line 7

2. Page 3, line 9.
Strike: "90 days"
Insert: "6 months"

3. Page 3, line 11.
Following: line 10
Insert: "(2) A person who negligently moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, bison, or sheep from their owner's customary range without the permission of the owner shall upon conviction be punished by:
(a) a term of imprisonment in the county jail not to exceed 6 months;
(b) a fine not exceeding:
(i) $25 for a first offense;
(ii) $250 for a second offense; and
(iii) $500 for a third or subsequent offense; or
(c) both imprisonment and the appropriate fine."

-END-

Amd. Coord.
Sec. of Senate

DATE 1-11-95

SENATE COMMITTEE ON Agriculture, Livestock, and Irrigation

BILLS BEING HEARD TODAY: SB 44

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Senator Loren Jenkins		SB44	X	
Cork Mortensen	Brd. of Livestock	~	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN JOE BARNETT**, on January 24, 1995, at 3:00 P.M.

ROLL CALL

Members Present:
Rep. Joe Barnett, Chairman (R)
Rep. John "Sam" Rose, Vice Chairman (Majority) (R)
Rep. Don Larson, Vice Chairman (Minority) (D)
Rep. Jon Ellingson (D)
Rep. Dick Green (R)
Rep. Harriet Hayne (R)
Rep. Rick Jore (R)
Rep. Gay Ann Masolo (R)
Rep. Judy Murdock (R)
Rep. Karl Ohs (R)
Rep. George Heavy Runner (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Kenneth Wennemar (D)

Members Excused: Rep. Bill Ryan & Rep. Dore Schwinden

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 212, SB 44, HB 235
Executive Action: None

HEARING ON HB 212

Opening Statement by Sponsor:

REP. SHIELL ANDERSON, HD 25, stated HB 212 was a good bill with some cleanup language for the pesticides act. He said there were some labeling requirements and some accountability for users of pesticides.

"exposure to humans." **REP. ANDERSON** replied he had a good point and clarification was needed.

REP. STORY asked **Leo Giacometto** about the clarification on page 7, line 5 to do with "exposure to humans." **Mr. Giacometto** stated whatever was done to it, it needed to be clear. **Mr. Giacometto** then gave an example. He said, "If we have someone in Japan pick up a newspaper or turn on CNN and they hear of some producer that had contaminated his grain trying to beat the protein level, and we find that grain before it gets to any channels, all that has happened is that they have exposed that ag commodity to a chemical. Now there hasn't been any harm because nobody has consumed it, but what you have done now you have exposed that ag commodity to this pesticide and nobody's had any harm, but at the same time he intentionally did that to try and beat the system." He said if they had not caught it, people could have become deathly ill or even die.

REP. LARSON asked **Ms. Smith** to comment on the proposed amendment by **REP. ANDERSON. Ms. Smith** stated it was not clear to her that the bill as written would grant citizen suit status anyway. She said what the amendments say is that anyone that may have an independent private cause of action existing under any other law that may exist whether it was common law or any other statutory law isn't precluded by the passage of this act. She said she did not see harm and it would be beneficial to leave that portion in the bill.

REP. ROSE asked **REP. ANDERSON** if he would get the bill along with all the amendments in a gray bill for the committee to consider. **REP. ANDERSON** stated that he would do that and if the chairman wanted it in a subcommittee he would do that.

REP. ELLINGSON asked **John Bloomquist** about the section of not precluding a private cause of action did he have a problem with that left in there. **Mr. Bloomquist** stated he has heard of three different types of interpretation and the section needed some clarification.

Closing by Sponsor:

REP. ANDERSON stated he would work to get the bill clarified and this was a good bill and he urged the committee to support it.

HEARING ON SB 44

Opening Statement by Sponsor:

SEN. TOM BECK, SD 28, stated they are trying to increase the penalties for certain cattle to run at large. He tried to address the problem of taking or rescuing a trespassing animal from the possession of a person who lawfully retains the animal, for unlawful possession of a stray. He said one of the main

highlights in the bill was the "willful negligence of moving of livestock from their owner's customary range to another area." He said there was an amendment approved by the Senate on page 3, line 11 through 19.

He said **SEN. LOREN JENKINS** was there to explain the amendment.

SEN. LOREN JENKINS, SD 45, stated when the bill hit the Senate floor he had a problem with "negligently" on page 3, line 7. He said when someone moves cattle in the fall they would sometimes pick up a neighbor's cattle, especially if they run all solid colored cattle. He stated he worked with the Department of Livestock and **SEN. BECK** and that was how they derived subsection (2).

Proponents' Testimony:

Cork Mortensen, Executive Secretary of the Board of Livestock, urged the committee to support the bill. **Mr. Mortensen** handed in written testimony. **EXHIBIT 3**

Larry Brown, Agricultural Preservation Association, stated this was a good bill and the amendment made it a "better bill." He urged the passage of SB 44.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. MURDOCK asked **Marc Bridges, Administrator of the Department of Livestock's Brands Enforcement Division,** if she had a problem with the negligence and if it could apply to any operator. **Mr. Bridges** stated that presently "willful" was an element of theft which is a felony. He explained that "negligence" was an element that had to be proven. He then read the definition of negligence which was "the failure to use such care as a reasonably prudent and careful person would use under similar circumstances. It is the doing of some act which a person of ordinary prudence would not have done under similar circumstances or failure to do what a person of ordinary prudence would have done under similar circumstances." He presented the committee an example of negligence. He said in the fall when a rancher gathers his/her cattle and happens to gather some neighbor's cattle, this is negligence.

REP. MURDOCK asked **Marc Bridges** if this would apply to a person that did all of the proper things and still accidently gathered one of the neighbor's cattle. **Mr. Bridges** stated he did not believe it would. He said in 1994 they inspected 2.4 million head of cattle and they recovered 4,237 strays and he said when a dollar value was assessed at $3,198,000, it was "turned back to the rightful owner." He said out of the 4,237 strays, many times there are continual occurrences.

REP. STOVALL asked **Mr. Bridges** how they defined second and third offenses. **Mr. Bridges** stated the Department writes about 100 warning tickets to everyone they wish to appear. He said he gives the person an opportunity to correct their previous failure. He said the first offense is usually a warning. The second offense would be a $25 fine.

REP. ROSE asked **Mr. Bridges** if there are regulations allowing a stallion or non-registered bull to run loose on the range. **Mr. Bridges** replied that they do. Any male equine over the age of one year cannot run at large.

REP. KARL OHS said he was having a problem with the words willfully and negligence. He asked **Mr. Bridges** to explain willfully. **Mr. Bridges** stated willful was an act of intent. He said when someone willfully and knowingly does something it would be an willful act.

REP. GREEN asked **Mr. Bridges** about a person who was meaning to be negligent, wouldn't he have to have knowledge of those animals in his possession. **Mr. Bridges** replied not necessarily. **REP. GREEN** asked **Mr. Bridges** if a person who has gathered his cattle and accidently got someone else's cow would have to have knowledge that cow was in his herd to be negligent. **Mr. Bridges** said to some degree that was correct. **REP. GREEN** discovered the animal was not his and did nothing about it, then it becomes negligence. **Mr. Bridges** indicated that was correct.

REP. STORY asked **Mr. Bridges** if a person was convicted for a first offense and then seven years later he was convicted again, would that be his second offense? **Mr. Bridges** stated in the most broadest terms, that's correct.

Closing by Sponsor:

SEN. BECK stated they had the bill back to committee twice and back to the floor four times. He said there was a lot in the bill that deserved the committee's consideration. He said there was a problem out there with the county attorneys not having the authority to prosecute people who consistently repeat this violation.

HEARING ON HB 235

Opening Statement by Sponsor:

REP. GRADY, HD 55, stated HB 235 was recommended by the Legislative Auditors to correct the problem. He said this act generally revises the funding of certain Department of Agriculture programs. He urged the committee's passage of HB 235.

HOUSE OF REPRESENTATIVES

Agriculture

ROLL CALL DATE 1/24/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Sam Rose Vice Chairman, Majority	✓		
Rep. Don Larson, Vice Chairman, Minority	✓		
Rep. Jon Ellingson	✓		
Rep. Dick Green	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Rick Jore			
Rep. Gay Ann Masolo	✓		
Rep. Judy Rice Murdock	✓		
Rep. Karl Ohs	✓		
Rep. Jay Stovall	✓		
Rep. Bill Ryan ?			✓
Rep. Dore Schwinden ?			✓
Rep. Robert Story	✓		
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Ken Wennemar	✓		
Rep. Joe Barnett, Chairman	✓		

EXHIBIT 3
DATE 1/24/95
SB 44

SENATE BILL 44

Mr. Chairman and members of the committee, for the record my name is Cork Mortensen and I am the Executive Secretary to the Board of Livestock. The Board and Department of Livestock support this legislation and urge you to support Senate Bill 44 for the following reasons:

This bill simplifies various penalty provisions by standardizing misdemeanor penalties. It will then be easier for judges to apply the sanctions imposed in a more or less uniform manner.

This bill also changes section 81-5-101 by insertion of the term "negligently". That will allow the judicial system to more easily prosecute individuals if circumstances warrant. You should also be aware that this change is being done at the behest of various county attorneys.

Thank you for your time and consideration in this matter. Once again, the Board and Department of Livestock urge you to support this legislation. If you have any questions or need more information, I should be happy to respond.

Thank you,

Cork

E.E. "Cork" Mortensen, Executive Secretary
To the Board of Livestock

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Agriculture COMMITTEE DATE 1/24/95

BILL NO. SB44 SPONSOR(S) Beck

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Cork Mortensen	Livestock Dept.	X	
Larry Brown	Ag. Pres. Assoc.	YES X	
Marc Bridges	Dept. of Livestock	X	
Maureen Cleary-Schneider	WIFE		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORM ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN JOE BARNETT**, on February 7, 1995, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Joe Barnett, Chairman (R)
Rep. John "Sam" Rose, Vice Chairman (Majority) (R)
Rep. Don Larson, Vice Chairman (Minority) (D)
Rep. Jon Ellingson (D)
Rep. Dick Green (R)
Rep. Harriet Hayne (R)
Rep. Rick Jore (R)
Rep. Gay Ann Masolo (R)
Rep. Judy Murdock (R)
Rep. Karl Ohs (R)
Rep. George Heavy Runner (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Kenneth Wennemar (D)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 395, SB 111, HB 386
Executive Action: HB 278, SB 44, HB 386, SB 111

EXECUTIVE ACTION ON HB 278

Motion: **REP. SAM ROSE MOVED TO RECONSIDER ACTION ON HB 278 THAT WAS TAKEN IN EXECUTIVE SESSION ON JANUARY 31, 1995. The motion carried unanimously.**

{Tape: 2; Side: A; Approx. Counter: 000; Comments: None.}

EXECUTIVE ACTION ON SB 44

Motion: REP. DON LARSON MOVED SB 44 BE CONCURRED IN.

Motion: REP. JUDY MURDOCK MOVED THE AMENDMENT. She explained the amendment which was needed to address the problem of negligence. She said before getting fined, the owner of the livestock can file a complaint to the department. **EXHIBIT 6**

Discussion: Cork Mortensen said the department did not have a problem with the amendment.

REP. ROBERT STORY said it was not initiated by the department without a complaint but the amendment would clarify it.

The question was called on the amendment.

Vote: The motion to adopt the amendment carried unanimously.

Motion: REP. GAY ANN MASOLO MOVED THAT SB 44 BE CONCURRED IN AS AMENDED.

The question was called on SB 44 as amended.

Motion: The motion passed unanimously.

EXECUTIVE ACTION ON HB 386

Motion: REP. RYAN MOVED HB 386 DO PASS.

Motion: REP. ROSE MOVED THE AMENDMENTS.

Discussion: The amendments were discussed concerning residents licensed. The question was called on the amendment.

Vote: The motion to adopt the amendment carried unanimously.

Motion: REP. RYAN MOVED HB 386 DO PASS AS AMENDED.

Discussion:

REP. JAY STOVALL asked **REP. ROSE** to look at the Superior Livestock testimony and wondered if the amendment were okay. **EXHIBIT 7** **Connie Erickson** pointed out that language had to do with liability. **REP. ROSE** said the liability was exactly why the bill was here.

John Bloomquist said there were three amendments discussed by Superior Livestock, two of which were taken care of. The third

one was to delete page 3, lines 19 and 20. He said he would be opposed to the bill if they did that.

REP. DORE SCHWINDEN said he was happy with the bill the way it was amended now.

The question was called.

Vote: The motion carried unanimously.

EXECUTIVE ACTION ON SB 111

Motion: REP. CLIFF TREXLER MOVED SB 111 BE CONCURRED IN.

Discussion: REP. TREXLER offered amendments. He said the word "breeding" should be before the word "cattle" wherever it appears, so it says breeding cattle and eliminates feedlots. And delete lines 23, 24, and 25 referring to cattle coming into the county at various times.

REP. DORE SCHWINDEN said it sounds like two separate amendments. Before the insertions of "breeding" there would be a problem with that in the title of the bill and in section 2 talking about organized associations. He was not sure it should be limited to "breeding cattle" associations.

REP. JAY STOVALL said that would not work since there were a lot of areas where there a lot of yearlings and that would not be considered "breeding cattle."

REP. DON LARSON said that feedlots would have 51% of the cattle anyway and if they do not want to set this predatory control assessment in motion then they would be the ones in the driver's seat.

REP. LARSON pointed out that feedlots needed to be included but may have 52% of the cattle and have to pay the bill. Feedlots have a special case.

Maureen Cleary-Schwinden said Mineral County was the only county that has the situation where only two owners controlled the percentage.

REP. LILA TAYLOR said that it was the same in Big Horn County.

REP. LARSON said the amendment should be taken in two different parts.

REP. TREXLER spoke to the amendment. He said the first amendment inserting the word "breeder" would eliminate the dominance of a feedlot when they move in or move out or also to equalize this on the tax roles. The only thing stable on the tax rolls are the breeding stock. This establishes those who are the actual

HOUSE OF REPRESENTATIVES

Agriculture

ROLL CALL DATE 2/7/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Sam Rose Vice Chairman, Majority	✓		
Rep. Don Larson, Vice Chairman, Minority	✓		
Rep. Jon Ellingson	✓		
Rep. Dick Green	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Rick Jore	✓		
Rep. Gay Ann Masolo	✓		
Rep. Judy Rice Murdock	✓		
Rep. Karl Ohs	✓		
Rep. Jay Stovall	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Robert Story	✓		
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Ken Wennemar	✓		
Rep. Joe Barnett, Chairman	✓		

HOUSE STANDING COMMITTEE REPORT

February 8, 1995

Mr. Speaker: We, the committee on **Agriculture, Livestock, and Irrigation** report that **Senate Bill 44** (third reading copy -- blue) **be concurred in as amended.**

Signed: Joe Barnett
Joe Barnett, Chair

Carried by: Rep. Ohs

And, that such amendments read:

1. Page 3.
Following: line 19
Insert: "(3) Prior to the imposition of the penalty provided for in subsection (1) or (2), the owner of the livestock shall file a complaint with the department. The department shall conduct an investigation to determine the circumstances under which the livestock were moved."

-END-

Committee Vote:
Yes 14, No 6.

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HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DATE 2/7 BILL NO. SB NUMBER 44

MOTION: SB 44 amend — Murdock

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DATE 2/7 BILL NO. _____ NUMBER _____

MOTION: SB 44 Do Pass as amended

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

EXHIBIT 6
DATE 2/7/95
HB 0644

Amendments to Senate Bill No. 44
Third Reading Copy

Requested by Representative Murdock
For the House Committee on Agriculture, Livestock, and Irrigation

Prepared by Connie Erickson
January 27, 1995

1. Page 3.
Following: line 19
Insert: "(3) Prior to the imposition of the penalty provided for in subsection (1) or (2), the owner of the livestock shall file a complaint with the department. The department shall conduct an investigation to determine the circumstances under which the livestock were moved."